



PUBLIC NOTICE

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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DA 05-2706
October 13, 2005

COMMENTS INVITED ON APPLICATION OF COMM SOUTH COMPANIES, INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 05-284
Comp. Pol. File No. 726

Comments Due: October 27, 2005

Section 214 Application

Applicant: Comm South Companies, Inc. also d/b/a Alabama Comm South Corp., Arkansas Comm South, Inc., Florida Comm South, Altair Communications, Inc., Mississippi Comm South, Missouri Comm South, Inc., E-Z Tel. Inc., Comm South in Tennessee, and Comm South Companies VA, Inc.

On September 27, 2005, Comm South Companies, Inc. also d/b/a Alabama Comm South Corp., Arkansas Comm South, Inc., Florida Comm South, Altair Communications, Inc., Mississippi Comm South, Missouri Comm South, Inc., E-Z Tel. Inc., Comm South in Tennessee, and Comm South Companies VA, Inc. (Comm South or Applicant), located at **8035 E. R.L. Thornton, Suite 410, Dallas, TX 75228**, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue its provision of certain domestic telecommunications services in Alabama, Arizona, Arkansas, California, Colorado, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, and Wyoming. By amendments and notices filed on October 4, October 11, and October 13, 2005, Comm South corrected certain deficiencies in its initial application by providing clarification and updating the record regarding its notice to customers. Accordingly, the application, as amended, is deemed complete and officially filed with the Commission on October 13, 2005.

Comm South indicates that it provides pre-paid local, domestic interstate and international long distance services to residential and business customers in the above-mentioned geographic locations. Comm South clarifies that the pre-paid services it provides do not require a credit check or deposit, and that payment for the services must be received by the payment due date and prior to the actual service period in order to assure that customer service continues uninterrupted. Comm South specifies that it provides pre-paid domestic local and interstate long distance service to approximately 500 residential customers, and to one business customer located in Michigan. Comm South further clarifies that it

provides services to two business customers for the provision of payphone services. Comm South states, however, that it is now before the U.S. Bankruptcy Court for the Northern District of Texas, Dallas Division, and subject to Chapter 7 bankruptcy protection. Comm South indicates that, consequently, it is in the process of liquidating its business and its assets, including discontinuing all telecommunications services.

Comm South proposes to discontinue its provision of pre-paid local, domestic interstate, and international long distance services¹ to residential customers on October 10, 2005, and to its business customer located in Michigan on October 26, 2005, or as soon thereafter as the necessary state and federal authorizations have been obtained. Comm South also indicates that the U.S. Bankruptcy Court overseeing the Comm South bankruptcy has approved an agreement between Comm South and one of its payphone business customers whereby Comm South will continue to provide business lines for that customer's provision of payphone services through December 31, 2005, in order to allow the customer's transition to another carrier. Comm South proposes to discontinue its provision of service to this payphone business customer in compliance with the court approved agreement, on January 1, 2006. Comm South also proposes to discontinue its provision of service to its other payphone business customer on January 1, 2006. Comm South states that it provided affected residential customers with written notification of its planned discontinuance by first class U.S. mail on September 10, 2005. Comm South further states that it provided written notice to its business customer located in Michigan on September 26, 2005. Comm South indicates that, out of an abundance of caution, it provided written notice to its payphone business customers on October 11 and October 12, 2005, respectively. Comm South asserts that it is non-dominant with respect to the services it proposes to discontinue.

In accordance with section 63.71(c) of the Commission's rules, Comm South's application will be deemed to be automatically granted on the thirty-first (31st) day after the release date of this public notice, unless the Commission notifies Comm South that the grant will not be automatically effective. In Comm South's application and notice to its customers, Comm South indicates that it anticipates discontinuing service to residential customers on October 10, 2005, to its business customer in Michigan on October 26, 2005, and to its payphone business customers on January 1, 2006. Accordingly, pursuant to section 63.71(c) and the terms of Comm South's application, absent further Commission action, Comm South may not terminate service to its residential customers and its business customer in Michigan until **November 13, 2005**, and Comm South may not terminate service to its payphone business customers until **January 1, 2006**. The Commission will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **October 27, 2005**. Such comments should refer to **WC Docket No. 05-284 and Comp. Pol. File No. 726**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via

¹ Discontinuance of international service is governed by 47 C.F.R. § 63.19.

the Internet to <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must send an original and four (4) copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C327, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), rodney.mcdonald@fcc.gov of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

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